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October 11, 2018

## **VIA ECF**

Hon. Analisa Torres  
United States District Judge  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

**Re: Alex Santiago, et al v. Dunes Food Group, Inc. (d/b/a Delice Café and Catering f/d/b/a Liberty Deli), et al. Case No. 18-cv-7378-AT**

In accordance with Your Honor's individual rules, ahead of the initial conference scheduled for October 16, 2018 at 4pm, the parties submit the herein joint letter:

1. Plaintiff: Defendants employed Plaintiffs as salad and food preparers, cooks, delivery workers, packer and dispatcher of orders, pizza makers and catering workers at their delis. Plaintiffs allege that in violation of the FLSA and NYLL, Defendants did not pay Plaintiffs wages owed for all hours worked, minimum wage, overtime pay, and NYLL spread of hours pay<sup>1</sup>. Additionally, Plaintiffs allege that in violation of NYLL, defendants did not provide Plaintiffs with a notice required by NYLL §195.1 and accurate wage statements as required by NYLL §195.3.

Defendant: Defendants Dunes Food Group, Inc., D/B/A Delice Café and Catering; Alimade LLC, D/B/A Deli Plus; Akbari B. Himani; and Alfred Doe., (**hereinafter "Defendants"**) through their undersigned attorney, for their preliminary investigation state the following:

a) Defendant Dunes Food Group, Inc., was established in November 2017, and operates its Deli eatery at 22 East 49<sup>th</sup> Street, in New York City.

b) Defendant Alimade, LLC, began its eatery operation at 2 West 45<sup>th</sup> Street, in New York City, in May 2018.

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<sup>1</sup> Some Plaintiffs have additional NYLL claims.

c) Defendant Akbarali Himani is the owner of Defendants Dunes Food Group, Inc., and Alimade, LLC. However, he has no relationship to any other entity named in the Complaint

d) Defendant Alfredo Doe, is the manager of Defendant Dunes Food Group, Inc., He began his employment with Dunes on or about 7-1-2018.

e) None of the named Plaintiffs ever worked at Alimade, LLC. Rather from November 2017 to their separation dates, they worked at Dunes Food, Group, Inc., while employed by that entity.

f) During their employment with Defendant(s), Plaintiffs received the proper pay, under the FLSA and NYLL.

g) Defendants' Counsel is continuing to investigate the other claims alleged by Plaintiffs, in the Complaint. To that end, Defendants will incorporate the remainder of their defenses in their Answer, which is due to be filed on 11-2-2018.

2. Plaintiff may file a summary judgment motion after the completion of discovery.

Defendant:

3. Counsel for the parties agree to a settlement conference with a Magistrate other than the assigned Magistrate, as the parties consent to proceed with the assigned Magistrate for all further purposes.

Respectfully submitted,

/s/ Gennadiy Naydenskiy  
Gennadiy Naydenskiy, Esq.  
*Attorney for Plaintiffs*